

# Calendar No. 1624

86TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 1561

JOSEPHINE LUE FAN (ALSO KNOWN AS JOSEPHINE  
FOOK-LAU), JOSEPH LUE FAN (ALSO KNOWN AS JOSEPH  
LEW-FAN), AND AURA JOAN LUE FAN

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JUNE 13, 1960.—Ordered to be printed

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Mr. EASTLAND, from the Committee on the Judiciary, submitted the  
following

## REPORT

[To accompany S. 2585]

The Committee on the Judiciary, to which was referred the bill (S. 2585) for the relief of Josephine Lue Fan (also known as Josephine Fook-Lau), Joseph Lue Fan (also known as Joseph Lew-Fan), and Aura Joan Lue Fan, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

### AMENDMENT

In line 5, change the name "LewFan" to read "Lew-Fan".

### PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Josephine Lue Fan (also known as Josephine Fook-Lau), Joseph Lue Fan (also known as Joseph Lew-Fan), and Aura Joan Lue Fan. The bill provides for appropriate quota deductions and for the payment of the required visa fees. The bill has been amended to correct the spelling of one name.

### STATEMENT OF FACTS

The beneficiaries of the bill are a 47-year-old mother, her 23-year-old son, and 22-year-old daughter, who are all natives of Trinidad and citizens of Great Britain, and of the Chinese race. They were admitted to the United States as visitors on October 25, 1950. The

father and an 8-year-old son are citizens of the United States. The family presently resides in Elizabeth, N.J., where the father operates a laundry. The son, who completed high school in Elizabeth, presently attends Union Junior College, Cranford, N.J. The daughter, who completed high school and attended secretarial school, is employed as a secretary in Newark. The mother is entitled to nonquota status as the wife of a U.S. citizen and the children are eligible for second preferences under Public Law 86-363. Information is to the effect that it would be an extreme hardship for the mother to return to Trinidad in order to adjust her status and the two children are unable to adjust theirs because the second preference portion of the quota for Chinese persons is heavily oversubscribed. In view of the fact that the beneficiaries have resided in the United States for 10 years and in view of the existent difficulties in adjusting their status, the committee feels that enactment of this legislation is justified.

A letter, with attached memorandum, dated November 20, 1959, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., November 20, 1959.

A-10135362.

A-10135363.

A-10135364.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2585) for the relief of Josephine Lue Fan (also known as Josephine Fook-Lau), Joseph Lue Fan (also known as Joseph Lew-Fan), and Aura Joan Lue Fan, there is enclosed a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Newark, N.J., office of this Service, which has custody of those files.

The bill would grant the aliens permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct that the required numbers be deducted from the appropriate immigration quota.

Beneficiary Josephine Lue Fan is a nonquota immigrant by virtue of her marriage to a citizen of the United States. Beneficiaries Aura Joan Lue Fan and Joseph Lue Fan are chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOSEPHINE LUE FAN (ALSO KNOWN AS JOSEPHINE FOOK-LAU), JOSEPH LUE FAN (ALSO KNOWN AS JOSEPH LEW-FAN), AND AURA JOAN LUE FAN, BENEFICIARIES OF S. 2585

The beneficiaries, citizens of Great Britain, were born at Trinidad, British West Indies, and are of the Chinese race. Members of a single family, they reside with their husband-father, King Lue Fan, in Elizabeth, N.J.

The beneficiary, Josephine Lue Fan, also known as Josephine Fook-Lau, was born August 12, 1912. She married King Lue Fan on August 4, 1935, in Trinidad, and is the mother of the other beneficiaries. There were three children born of this marriage; Joseph, born June 22, 1936; Aura Joan, born April 28, 1938; and Patrick, a U.S. citizen born October 21, 1951, in Elizabeth, N.J.

The beneficiary, Joseph Lue Fan, also known as Joseph Lew-Fan, is a single male 23 years of age. He completed elementary school in Trinidad, and high school in Elizabeth, N.J. He is presently a senior student of Union Junior College, Cranford, N.J.

The beneficiary, Aura Joan Fan, is a single female 21 years of age. She completed elementary school in Trinidad, and high school in Elizabeth, N.J. Following completion of a secretarial course at Drake College in Newark, she has remained employed as a secretary in Newark, at \$280 per month.

The beneficiaries were admitted into the United States on October 25, 1950, at New York, N.Y., as visitors. Deportation proceedings were instituted on March 1, 1952, and the beneficiaries were found deportable on the ground that at the time of their entry they were immigrants not in possession of valid immigration visas. The beneficiaries applied for suspension of deportation and on January 26, 1953, it was ordered that suspension of deportation be denied and further ordered that the beneficiaries be deported. On April 13, 1954, the Board of Immigration Appeals ordered that the orders of deportation be withdrawn and the beneficiaries be permitted to depart voluntarily. It was further ordered that, should the aliens not depart, the order of deportation be reinstated. Visa petitions were approved on their behalf on May 26, 1959, according the mother nonquota immigrant status and the children fourth preference immigrant status. Recently enacted legislation accords second preference immigrant status to the unmarried sons and daughters of U.S. citizens but the quota for Chinese persons, to which they are chargeable, is presently oversubscribed. Josephine Lue Fan has

stated that she will not depart from the United States to obtain a visa since her citizen son, 8 years of age, requires her attention and, further, that while he is in school she assists her husband in operating his laundry business, which would fail if she should have to depart. She is precluded from adjusting her status while remaining in the United States, by existing law.

King Lue Fan, husband-father, was born November 11, 1911, in Canton, China. He was admitted into the United States in 1947 for permanent residence. On November 11, 1954, he was admitted to U.S. citizenship at Elizabeth, N.J. He owns a one-third interest in a restaurant and owns a laundry, which his wife helps him operate. His income from such enterprises is approximately \$5,660 per year. He has assets consisting of personal property valued at \$7,000 and cash savings of \$1,000.

Private bills H.R. 8211, 84th Congress, and H.R. 5586, 85th Congress, introduced on behalf of the beneficiaries, were not enacted. It will be noted that all the beneficiaries became entitled to nonquota status in the issuance of immigrant visas upon the naturalization of their husband-father in 1954. Repeated efforts by the Service during the pendency of previous private bills, to have him file visa petitions in their behalf met with no success until 1959. Meanwhile both of the younger beneficiaries attained their majority and lost nonquota eligibility. Reasons for his failure to send the beneficiaries to the British West Indies, where their relatives live, to apply for visas, were alleged to have been financial.

Angela Maria Chung Yan, niece of Mr. Fan, who makes her home with the Fans was the beneficiary of H.R. 11875, 85th Congress and H.R. 2620, 86th Congress. H.R. 2620 was adversely disposed of.

Senator Harrison A. Williams, Jr., the author of the bill, has submitted the following information in connection with the case:

ELIZABETH, N.J., *January 16, 1960.*

Hon. Senator HARRISON A. WILLIAMS, Jr.,  
*Senate Office Building, Washington, D.C.*

DEAR SENATOR WILLIAMS: I am writing on behalf of Mrs. Josephine Lue Fan, Miss Aura Joan Lue Fan, and Mr. Joseph Lue Fan, and in addition the rest of their family who would suffer if these three should not be granted citizenship at this time.

I have known these people since they arrived in this country about 10 years ago, when they then resided at 458 South Broad Street, Elizabeth, N.J. They are a credit to the United States and the type of people we want as citizens of our great country.

They are industrious people, the daughter, Aura and son Joseph having graduated from high school in Elizabeth and the son is now attending university, the daughter is working.



They are honest in their business dealings. Sometime ago this family purchased a home at 441 Grier Avenue, Elizabeth, N.J., where they keep the house and grounds in very excellent condition.

As a natural-born citizen of the United States I am proud to know and to be a neighbor of these folks whom I hope will soon be able to be citizens of our country and of whom we will be proud. If there is anything I may do to help, please feel free to call on me.

Sincerely,

HARMAN R. CLARK, Sr.

P.S.—As a matter of identification of myself, I was born in Westfield, N.J., in July 1901. For the past 36 years have resided in Elizabeth, N.J. On March 26, 1960, I will have completed 37 years employment with the Home Title Guaranty Co. of 51 Willoughby Street, Brooklyn, N.Y., where I am manager of the collection department with title of supervisor of accounts.

HARMAN R. CLARK, Sr.

ELIZABETH, N.J., May 11, 1960:

Senator HARRISON WILLIAMS, Jr.,  
*Senate Office Building, Washington, D.C.*

DEAR SENATOR WILLIAMS: Your Newark office has informed me that additional information is needed to indicate to the Senate Immigration Committee that extreme hardship was involved in 1954 concerning my wife, Josephine, and our two children, Joseph and Aura, thereby, preventing them from leaving the United States and returning to Trinidad to execute application for visa.

The reason my wife and children could not leave the United States in 1954 was threefold:

1. In October of 1952 my youngest son, Patrick Alan, was born; in 1954 it was not feasible for my wife to leave our 1½-year-old son, who, though well enough, was nevertheless under doctor's care because of recurring childhood sickness, and a trip that was uncertain as to the amount of time involved in obtaining visas did not seem to be at all proper, and possible because of the necessary attention needed by the baby from its mother to insure the baby's health.

2. Both my older children, Joseph and Aura (Joan), were at the time attending schools, and the breaking up of the continuity of their education was something not to be taken too lightly, since the original transfer and adjustment to our schools had just been ingrained in them.

3. Return tickets for three to Trinidad, plus a waiting period of uncertain length that was to include room and board, would have been an extreme financial burden; and at that time such an undertaking was just too extreme to be undertaken.

I hope the three reasons outlined above would indicate to the Senate Immigration Committee the hardships involved in 1954, and the reason why we hoped for the passage of the private bill which was pending at the time in Congress.

Thanking you again for the time and work you and your staff have spent on our behalf, I am,

Very truly yours,

KING LUE FAN:

THE DIVERSEY CORP.,  
Newark, N.J., January 13, 1960.

Re Aura Joan Lue Fan, 441 Grier Avenue, Elizabeth, N.J.

Mr. HARRISON A. WILLIAMS, Jr.  
Newark, N.J.

DEAR MR. WILLIAMS: It has been brought to my attention that Miss Aura Joan Lue Fan is being considered for nationalization as a U.S. citizen.

At this time, I would like to offer my recommendations as an employer. Miss Lue Fan has been employed by Diversey since June 1954 handling a variety of positions. During this time, we have found her moral character, honesty, willingness, and sincerity beyond reproach. This high-quality conduct is demonstrated at every and any opportunity, and we very definitely consider her an exceptionally good person.

If you should desire additional information, please do not hesitate to contact me.

Very truly yours,

C. DI PACE, *Office Manager.*

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ELIZABETH, N.J., January 14, 1960.

HON. HARRISON A. WILLIAMS, Jr.,  
Senator from New Jersey.

DEAR SENATOR: As one of your constituents, I am writing to ask your help in furthering the passage of bill S. 2585 previously introduced by you on behalf of Mrs. Josephine Lue Fan, Joseph Lue Fan, her son, and Aura Joan Lue Fan, her daughter.

As an adult adviser for the Junior Catholic Youth Organization in St. Mary's parish in Elizabeth, I met both Joseph and Aura (whom I knew as Joan) in 1951 and found them to be upright and straight-forward children. Through the years, they were active and energetic in youth and church activities.

Through the children I became acquainted with Mrs. Josephine Lue Fan and in our parish activities she and her family were cited as an ideal family by our pastor, Right Rev. John E. Kiernan.

Personally, I think it would not only be an economic hardship to deport these people for readmittance later on, but it would also be a cruel separation of a tightly knit and devout family.

Sincerely,

TIM O'LEARY.

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JANUARY 16, 1960.

Mr. HARRISON A. WILLIAMS, Jr.,  
Newark, N.J.

DEAR SIR: Please refer to bill S. 2585 which you have introduced on behalf of Mrs. Josephine Lue Fan and her children, Aura Joan and Joseph, of 441 Grier Avenue, Elizabeth, N.J. It is our understanding that the children may be deported if the above bill is not passed during the current session of Congress. We feel that such action would result in a great loss to both the Lue Fan family and our country.

Therefore we offer the following information for your serious consideration.

We have known the Lue Fans for approximately 8 years. Our contacts cover their business, community, religious and social activities. Two years ago they became our next-door neighbors. They moved into a small but comfortable home after many years of living in crowded and substandard quarters. Their hard work enabled them to achieve what many dream of, a home of their own. The efforts of the entire family are reflected in and about the home and they have made it a credit to the community.

During the past 2 years we have come to know the Lue Fans intimately. The entire family is of high moral character. The children Aura Joan and Joseph are respectful, trustworthy, resourceful, and highly intelligent. Aura Joan is now gainfully employed. Joseph is endeavoring to complete his college education and is anticipating entry into the Armed Forces upon its completion. Both children are helping, on a part-time basis, with the family business. Their loyalty to our country, our community, and their family is beyond reproach. In our estimation they would make honest and respectful citizens.

The children's deportation would be, without doubt, a heartbreaking experience for the entire family. There would be many problems arising in connection with Joseph's interrupted education, Joan's loss of employment, the passage to and eventual return from another country, and in providing for the necessary needs, employment, and/or education while away. All this would be costly in time and money.

In view of the above we feel that all of your efforts to pass bill S. 2585 would be worthwhile and greatly appreciated.

Respectfully yours,

HELEN L. BATOR.  
LOUIS S. BATOR.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2585), as amended, should be enacted.

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